

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JOHN R. DURSO, DEBRA SERVIDO, ARTHUR
CARAWAY, JEFFREY LAUB, MURRAY J.
MORRISSEY, JON GREENFIELD, JOHN
CATSIMATIDES, MORTON SLOAN, AND
ANGELO AVENA, *as Trustees fiduciaries of*
LOCAL 338 RETIREMENT FUND,

**AMENDED AND
CORRECTED REPORT
AND RECOMMENDATION**

10 CV 6036 (NGG)

Plaintiffs,

- against -

MILL BASIN MEAT CORP.,

Defendant.
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On August 4, 2011, the district court granted plaintiffs' motion for default judgment and referred the matter to the then assigned magistrate judge to prepare a Report and Recommendation on damages. By Report and Recommendation dated March 2, 2012, the undersigned recommended that plaintiffs be awarded a total of \$1,121,468.76.

Having reviewed plaintiffs' objections, the Court agrees that there was a computational error in calculating the total amount to be awarded. The correct amount is \$1,125,068.76. Accordingly, the Court respectfully recommends that plaintiffs be awarded \$1,125,068.76, representing: 1) \$621,721.00 in unpaid withdrawal liability; 2) \$246,201.12 in interest on the unpaid amount to the date of this Report and Recommendation; 3) \$246,201.12 in liquidated damages; 4) \$10,060.00 in attorney's fees; and 5) \$885.52 in costs, plus any additional interest that accrues from the date of this Report and Recommendation until the entry of judgment, together with post-judgment interest pursuant to 28 U.S.C. § 1961.

Any objections to this Report and Recommendation must be filed with the Clerk of the Court, with a copy to the undersigned, within fourteen (14) days of receipt of this Report. Failure

to file objections within the specified time waives the right to appeal the District Court's order.

See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 6(a), 6(e), 72(b); Small v. Secretary of Health & Human Servs., 892 F.2d 15, 16 (2d Cir. 1989).

The Clerk is directed to send copies of this Report and Recommendation to the parties either electronically through the Electronic Case Filing (ECF) system or by mail.

SO ORDERED.

Dated: Brooklyn, New York
March 8, 2012

/S/ CHERYL

Cheryl L. Pollak
United States Magistrate Judge